

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Bruce Lee Hudson,

Plaintiff,

v.

Investigator Bandy Spears;
and Sheriff Leon Lott,

Defendants.

C/A No. 4:11-2210-TMC

OPINION & ORDER

Plaintiff, an inmate proceeding *pro se*, seeks relief pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., all pre-trial proceedings were referred to a Magistrate Judge. On August 30, 2011, Magistrate Judge Thomas E. Rogers, III, issued a Report and Recommendation ("Report") recommending the Complaint be dismissed without prejudice. (Dkt. # 13). The Magistrate Judge provided Plaintiff a notice advising him of his right to file objections to the Report. (Dkt. # 13 at 7). Plaintiff filed objections to the Magistrate Judge's Report on September 9, 2011. (Dkt. # 15).

The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

Plaintiff is incarcerated at Alvin S. Glenn Detention Center. In his Complaint, Plaintiff seeks an order forcing Richland County law enforcement officials to file criminal charges against five or six corrections officers who Plaintiff alleges "gang beat" him on

October 31, 2010. Plaintiff seeks an investigation into the gang beating or, alternatively, damages of ten million dollars.

The Magistrate Judge recommended the complaint be dismissed because Plaintiff does not have any constitutional right to or judicially recognized interest in the prosecution or non-prosecution of another person under § 1983. (Report 3-4). Further, as the Magistrate Judge notes, Plaintiff has not named any of the corrections officers as Defendants. The court has reviewed Plaintiff's specifically enumerated objections. However, they provide no basis for this court to deviate from the Magistrate Judge's recommended disposition.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court finds Plaintiff's objections are without merit. Accordingly, the court adopts the Report and incorporates it herein. It is therefore **ORDERED** that the Complaint is **DISMISSED** without prejudice.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

November 8, 2011
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.